

FILE COPY

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

---

IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST

GUILLERMO VARONA, JR., M.D.,

Respondent

---

ORDER DENYING PETITION

---

On June 4, 1991, the Medical Examining Board issued its Final Decision and Order in the above-captioned matter. By the terms of the board's order, respondent's license to practice medicine and surgery in Wisconsin was suspended indefinitely, with the suspension stayed pending his acceptance into an approved family practice residency program. Upon such acceptance, Dr. Varona was permitted to apply for a temporary educational permit, and was permitted to apply for reinstatement of his license after successfully completing one year of the residency program. Dr. Varona appealed the board's decision to the Circuit Court for Milwaukee County, Patricia D. McMahon presiding. On September 20, 1991, the Court issued its Order by which the board's Final Decision and Order was stayed until such time as the Court enters its final decision and order in the appeal. It was further ordered that the stay be conditioned upon Dr. Varona "not prescribing any narcotic drug or other narcotic substance during the term of these proceedings."

On March 2, 1993, the board received correspondence from Community Memorial Hospital, Menomonee Falls, Wisconsin, indicating that on four occasions between January, 1992, and February, 1993, Dr. Varona had ordered administration of IV morphine for patients under his care. On March 19, 1993, the board received a letter from Steven R. Kohn, attorney for Dr. Varona, by which Mr. Kohn described the circumstances of the apparent violation of the Court's Order, and petitioned the board for a stipulation which would permit Dr. Varona to prescribe narcotics "in emergency situations when necessary at a C.C.U. or during his care in the birth of a child." The board considered the request at its meeting of April 28, 1993.

Based upon respondent's petition, and upon all other information of record herein, the Medical Examining Board orders as follows:

1. 2019

1. 2019

ORDER

NOW, THEREFORE, IT IS ORDERED that the petition of Guillermo Varona, Jr. for leave to prescribe narcotic substances during the period of court-ordered stay of the suspension of his license is denied.

DISCUSSION

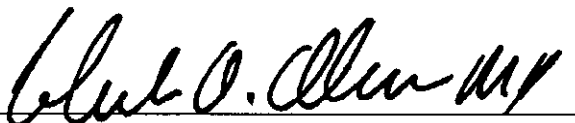
To the extent the board has jurisdiction to rule on Dr. Varona's petition, that ruling must be that the petition is denied. Under the board's Final Decision and Order in this matter, Dr. Varona's license would, absent his having participated in the ordered family practice residency program, be fully suspended. The board is certainly not persuaded that its Order in the matter was inappropriate, and would therefore be disinclined to ease the conditions on a license which, in the board's opinion, should be suspended altogether.

But whether the board would or would not grant the petition is probably irrelevant. It was the Milwaukee Circuit Court which ordered the stay of the suspension and the limitation in question. The Medical Examining Board therefore has no more jurisdiction to drop that limitation than it does to terminate the stay. It would thus appear that respondent is in the wrong forum. Accordingly, and given the apparent violations of the court's order, the board hereby refers the petition and related documents to its attorney on appeal, William H. Wilker, for further appropriate action by him and by the Court.

Dated this 7 day of May, 1993

STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

by



Clark O. Olsen, M.D.

Secretary

